

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 10-14, 28-32, and 37-44 are pending in the application, with claims 10, 28, 39, and 45-47 being the independent claims. Claims 11-13, 29-31, 38, and 40-42 are sought to be amended. New claims 45-47 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 112

Claims 10-14, 28-32, and 37-44 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Office Action alleges that “[t]he specification fails to disclose the channel tracking information includes the subscriber and usage information is generated at least partially while off-line by at least one client.” (Office Action, p. 2). Applicants respectfully disagree with the allegation in the Office Action that there is no written description in the specification sufficient to convey to one skilled in the relevant art that the inventors had possession of the claimed invention at the time the application was filed. Accordingly, Applicants respectfully traverse.

The specification contemplates at least two modes of operation, namely a “wireless mode” and a “disconnected mode.” (Aufricht et al., Pub. No. US

2001/0051979 A1 at [0163]). The “wireless mode” may be either a “continuous” connection mechanism or a “discontinuous” connection mechanism. (Aufricht at [0030]). The “disconnected mode” establishes a connection when a connection mechanism is available, then reverts back to a disconnected state. (Aufricht at [0030]). The process of a client connecting to a server to receive data is termed “synchronization” (or “sync”), and the specification supports various embodiments of syncing for both wireless and disconnected systems. (See, generally, Aufricht at [0039] - [0042]). For either a wireless or disconnected system, when a sync operation is not occurring, the client can be said to be “off-line.”

Independent claims 10, 28, and 37 recite, in relevant part, the receipt of “subscriber and usage information generated at least partially while off-line by at least one client.” Applicants submit that the specification provides ample written description for at least partial generation of subscriber and usage information while a client is off-line. For example, at a minimum, the specification provides that “[s]ubscriber information may include ... the number of users who actually use [a] channel.” (Aufricht at [0169]). Usage of such a channel occurs, in an embodiment, “in an interactive manner while in an off-line mode.” (Aufricht at [0009]). In an embodiment, this can be viewed as off-line surfing of the Internet. (see Aufricht at [0030]). Moreover, the present invention addresses, *inter alia*, the need for users of mobile devices to be able to interact with the channels in an off-line mode. (Aufricht at [0008]). Since usage of channels frequently occurs in an off-line mode, the generation of data regarding “the number of users who actually use [a] channel,” as well as other subscriber and usage information, is only meaningful if it includes data generated while in the off-

line mode. Subscriber and usage information is provided, and sometimes sold, to content providers. (Aufrecht at [0166]). Persons skilled in the relevant art would appreciate that such subscriber and usage information would be less valuable unless gathered both while on-line and off-line, given the extensive teachings of off-line operation described in the application. Accordingly, one skilled in the relevant art would know, at the time of filing, that Applicants were in possession of subscriber and usage information generated at least partially while off-line.

Claims 11-14, 29-32, and 38-44 depend from independent claims 10, 28, and 37, respectively, and also comply with the written description requirement under 35 U.S.C. § 112, first paragraph, for the same reasons as the independent claims from which they depend. Accordingly, Applicants respectfully request that the rejection of claims 10-14, 28-32, and 37-44 be reconsidered and withdrawn.

New Claims

Independent claims 45-47 are sought to be added. Claims 45-47 find similar support in the specification as independent claim 10, and comply with the written description requirement under 35 U.S.C. § 112, first paragraph, for at least the same reasons as claim 10. Accordingly, Applicants believe claims 45-47 are in condition for allowance, and respectfully request that the claims be entered and allowed.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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